A REVIEW OF THE NATIVE AFFAIRS SECRETARIAT

Province of Manitoba

prepared by

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A REVIEW OF THE NATIVE AFFAIRS SECRETARIAT

Province of Manitoba

prepared for:

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I. TERMS OF REFERENCE

The terms of reference for the evaluation of the role and mandate of the Native Affairs Secretariat were as follows:

- to assess the appropriateness of centralizing policy and program coordination for Native issues in the Secretariat as a basis for maintaining a mechanism to address these issues.

- to assess the degree to which departments and agencies of government respect and adhere to the centralizing of policy and program coordination by the Secretariat with regards to Native issues.

- to assess the ability of the Native Affairs Secretariat to function given its location within government and its reporting relationships.

- to assess the means and effectiveness of the Native Affairs Secretariat approach in maintaining communication and liaison with the Native community and its organizations with regards to issues of concern.

- to address the terms and conditions which should form the basis for decisions regarding the allocation of grant funding and other support to various Native organizations.

- the evaluation will require the involvement of provincial Ministers and departmental officials as well as the leadership and staff of various Native groups and associations.

II. EVALUATION FINDINGS

1. Native Affairs Subcommittee of Cabinet

In February of 1982, the government of the province of Manitoba established a Native Affairs Subcommittee of Cabinet by Cabinet minute 27-10 and later by Order In Council 323/85 (March) for purposes of responding to various issues of concern relating to Native people. This committee was chaired by the Minister of Northern Affairs and Native Affairs, other members of the Committee were:

Minister of Community Services
Minister of Government Services
Minister of Co-operative Development
Minister of Constitutional Affairs
Minister of Natural Resources
Premier - when required

The role of the Native Affairs Committee of Cabinet was:

1) to review and formulate policy with respect to issues of concern regarding Native people

2) to direct strategic planning exercises and program evaluations in order to enable the provincial government to coordinate

and focus services to address the needs of the Native community

3) to assist in major negotiations relating to Native issues with the government of Canada and other governments

4) to meet with Native groups and associations to review government policies and actions relating to Native issues

5) to consider outstanding issues between line departments of government and Native groups and associations and to provide for a forum for the resolving conflicts

2. NATIVE AFFAIRS SECRETARIAT

The Native Affairs Secretariat appears to have no formal status in that it was not established by any Order-in-Council - see appendix 2 - memo from Mr. Don Lofendale, Crown Counsel. The Civil Service Commission advises that civil service positions were created to support the Cabinet Subcommittee of Native Affairs. These positions were originally assigned to the Executive Council and later transferred to Northern Affairs.

3. NATIVE AFFAIRS SECRETARIAT - STAFF AND ROLES

a) Staffing

At the present time there are nine civil service staff positions assigned to the Native Affairs Secretariat consisting of a Secretary, A Director, four analysts and three administrative support. It should be noted that prior to the 1987/88 fiscal year only three staff positions were assigned to the Native Affairs Secretariat. Six new positions were added to the Secretariat commencing in the 1988/89 fiscal year. It should also be noted that the position of Secretary has never been filled, the Deputy Minister of the department of Northern Affairs has acted and continues to do so in the position of Secretary of the Native Affairs Secretariat. The Secretariat reports to the minister responsible for Native Affairs.

b) Roles

The Secretariat provides the Minister Responsible for Native Affairs and the Native Affairs Committee of Cabinet with staff support in meeting their mandate for Aboriginal policy and program

development and coordination. It also offers research and analysis of existing and planned policy. An additional role for the Secretariat includes the enhanced coordination of Native policy and programming by providing liaison across government departments and through liaison with community organizations. It supports Federal/Provincial negotiations aimed at clarifying financial and jurisdictional responsibilities exercised by the two levels of government. The Secretariat contributes to the constitutional processes leading to the establishment of institutions of Aboriginal self-government through negotiation or analytic support. Finally, the Secretariat undertakes negotiations with the Native community on program or policy issues of mutual concern.

OBJECTIVES

1. To support development of policy and programming concerning Native issues that is both effective and consistent across government.
2. To facilitate improvement of the socio-

economic conditions faced by Native peoples through program and institutional development.

3. To maintain an active consultative liaison with Native community regarding constitutional, program, and financial issues.
4. To assure as much as possible that Federal program and fiscal responsibilities for Native peoples are respected in its decision-making processes.

ACTIVITIES

1. Review and analysis in support of policy and/or program development and coordination.
2. Maintain constitutional processes aimed at the recognition and entrenchment of Aboriginal rights and responsibilities through bilateral or trilateral negotiations of self-government.
3. Participates in the negotiation of substantive program issues affecting the Native community. Such discussions may involve Provincial laws of general application (taxation or lotteries and gaming) or

devolution of service responsibilities to Native authority.

4. Through community liaison, analysis necessary to translating community interests and needs into meaningful program or policy options can be prepared. Departmental responses to service delivery requests may also be coordinated through the Secretariat.

4. ABORIGINAL DEVELOPMENT FUND

The Aboriginal Development Fund was established in the 1987/88 fiscal year at a level of one million dollars ($ 1,000,000). The Fund is a major funding vehicle by which government may support specific activities of the Aboriginal community in its efforts to stimulate social and economic development. Activities supported by the Fund will:

1. Encourage development of those fundamental rights and responsibilities by the Aboriginal community necessary for its own self-determination.
2. Identify social and economic development objectives.
3. Address specific issues impeding the social and economic development of that community.
4. Finance Aboriginal participation in projects that meet tangible social or economic objectives.

This developmental orientation to Fund activities reflects the fact that the growth of Aboriginal

social and economic institutions has not kept pace with the increasing sophistication of Aboriginal political institutions. As a result, the existing array of Federal and Provincial social and economic programs have not been completely effective in alleviating conditions in the Aboriginal community. Some successes have occurred but they have not always resulted in sustained development. Fund activities would alter that social and economic environment by emphasizing the long-term developmental needs in the community.

The four main stragegic result areas of the Fund are:

i) Economic Development

Grants are provided to facilitate planning and negotiation activities designed to assure that aboriginal interests are represented in major economic initiatives being considered by both the public and private sectors.

ii) Indian Rights and provincial laws

Grants are provided to assist the Indian community to refine/develop Indian

positions and develop options for the resolution of issues pertaining to hunting, fishing, taxation and gaming laws.

iii) Federal/Provincial responsibilities for aboriginal services

Grants are provided to assist aboriginal organizations in research and planning and negotiation of federal/provincial responsibilities for Indian reserves.

iv) Aboriginal self-government

Funding is provided to enable major organizations to participate in and develop policy on institutional options in bilateral and tripartite processes.

5. ABORIGINAL DEVELOPMENT FUND EXPENDITURES 1987/88

Grant funding provided from the Aboriginal Development Fund in the 1987/88 fiscal year in the abount of $ 765,900 was as follows:

Metis Tripartite Negotiations ($ 315,000)

The purpose of these negotiations is to provide a tripartite forum in Manitoba for the development of Metis self-government institutions. Discussions between the MMF, Manitoba and Canada have revolved around education (Louis Riel Institute), a provincial housing corporation, an economic development strategy, child and family services and a data base project.

Winnipeg Council of Treaty and Status Indians ($ 30,100)

Grant funding was to provide the Council with the opportunity to prepare a report on the needs and conditions facing urban Indians. In addition to community consultation, the Council was to develop a handbook which would provide an inventory of existing services and programs.

Chiefs' Secretariat ($ 100,000)

The Province has sought to provide Manitoba

Chiefs with resources necessary to supporting their efforts at determining unified positions on issues of common concern. Grant funding recognizes that if agreements are to be reached with the Province on such issues as child welfare or taxation, political solutions advanced by Chiefs must be supported by sound research at a technical level.

Northern Association of Community Councils ($ 50,800)

Bill C-31 has created problems for Indian Bands and communities adjacent to Indian reserves. Of particular concern to the Province has been the effect of Bill C-31 on the services provided in communities where a large proportion of their residents have regained their Indian Status. Research and community consultation by the Northern Association of Community Councils would assist the Province in understanding the issue and designing appropriate policy and program responses.

MKO/Provincial Conference ($ 50,000)

A conference between the Chiefs of the MKO and Ministers of the Province was held in Winnipeg in February. The intent was to provide a forum

in which the positions of each side could be exchanged on a wide range of issues. Efforts to resolve those issues could then move forward on a solid footing.

Coalition of Tribal Councils Youth Conference ($ 8,000)

As a conclusion to the series of individual workshops held by Tribal Councils, the Coalition has organized a province-wide conference to discuss mutual concerns and identify strategies to begin addressing problems faced by youth. Focus has been directed to issues of employment, education, high rates of alcohol and substance abuse and suicides.

Assembly of Manitoba Chiefs Conference ($ 81,000)

This conference was organized by the Assembly to facilitate the development of a unified approach to issues of common concern faced by Manitoba's Indian bands. In addition to strengthening the understanding of those common issues, mandates for various Chiefs' committees were struck to address economic development, child welfare, treaties and self-determination, and health and social development.

Entrepreneurs' Forum ($ 30,000)

The forum was planned as a joint government/ private sector initiative hosted by the Norman Regional Development Corporation. It was to mobilize Native entrepreneurs to become exposed and encouraged in "networking" with existing enterprises in the North. Practical business-to-business guidance on establishing a business on a sound financial and production footing was to be secured.

God's River Airstrip ($ 100,000)

As part of the Canada/Manitoba agreement to fund the purchase of the God's River Lodge and airstrip by the God's River Band, $ 100,000 was committed to purchase the airstrip leasehold. The purchase would assist in enhancing the social and economic development prospects for the community.

6. ABORIGINAL DEVELOPMENT FUND - EXPENDITURES 1988/89

The fiscal year 1988/89 represents the second year of operation for the Aboriginal Development Fund. Issues of significance to be addressed by the funding provided from the Aboriginal Development Fund are:

1) The relative underdevelopment of the Aboriginal community has persisted despite significant Federal and Provincial expenditures. Poverty and its attendant social and health conditions in the Aboriginal community have created a need for joint action by the community and government.

2) The Native community has placed increasing demands upon government for its own self-determination. Devolving responsibility to Aboriginal institutions must, however, be predicated upon the existence of an institutional capacity for it to succeed.

3) Federal program reviews concerning the ERDA

agreements, NEDP, and Western Diversification Fund point to a restructuring of Federal programming. That restructuring may include retrenchment of federal responsibilities and as such this action must be assessed by the Native community and the provincial government.

4) Federal initiatives on Indian self-government may similarly lead to off-loading of fiscal and program responsibility and these initiatives have to be assessed relative to their impact.

Commitments: (October 1988)

1) Contingent upon the receipt of equal monies from the Federal government, the Manitoba Metis Federation has been allocated a grant of $ 315,000 to support tripartite negotiations relating to the development of Metis self-government institutions.

2) The Assembly of Manitoba Chiefs has been

allocated a grant of $ 325,000 to assist in the establishment of a Secretariat to examine relationships between the provincial government and the first nation governments regarding taxation, gaming, family services, hunting rights and education services.

7. RESPONSE FROM NATIVE GROUPS, ASSOCIATIONS AND INDIVIDUALS

a) A positive response was indicated from all native groups, associations and individuals contacted with respect to their being asked to participate in the review of the role and mandate of the Native Affairs Secretariat.

b) A primary purpose of the review, as expressed by the native people, is that of developing more meaningful relationships between them and the provincial government.

c) The roles and functions of the Native Affairs subcommittee of Cabinet and the Native Affairs Secretariat were not known or understood by the majority of the native groups associations and individuals contacted.

d) The establishment and operation of the Aboriginal Development Fund was not well understood. Several native groups and associations did seek and receive funding to enable them to

carry out activities in support of their particular interest and as such the funding was appreciated. Concerns were expressed with respect to how decisions were made regarding the allocation of funding and the availability and use of the products resulting from the funding.

e) Several persons expressed a concern regarding the role of the staff of the Native Affairs Secretariat. It seemed as though staff were pushing for certain things to happen and the carrot was funding under certain terms and conditions. Many persons indicated that relationships with the Secretariat were good if you went along with their ideas but the opposite was true if you disagreed. The staff of the Secretariat were viewed as being political and as such an extension of the political position of government. There was a feeling that certain things were being imposed on the existing native groups and associations and that new advocate groups were being developed as a process to challenge existing structures.

f) Some native organizations viewed the funding received from the Native Affairs Secretariat as appropriate in that there were few strings attached with regards to how they used the funds and products were not to be shared with the government. The "unconditional funding" supports the native self government thrust but concern was expressed regarding the means by which native self government and provincial government positions could be rationalized to the mutual satisfaction of both.

g) During the 1987/88 fiscal year, with the addition of six new staff positions and the establishment of the $ 1 million dollar Aboriginal Development Fund, the Native Affairs Secretariat was gearing up to address native issues of concern. Roles and functions and associated administrative procedures were established for the Native Affairs Secretariat. Staff persons were hired and assignments made regarding their activities. Staff were involved in the development of proposals for funding various organizations from the Aboriginal

Development Fund. Initial work was undertaken respecting the development of an "Urban Native Strategy" and a Northern Development Strategy.

h) Many native organizations expressed a concern regarding their access to the line departments of government because in many cases the line departments referred the native group to the Native Affairs Secretariat. This referral process in most cases was not beneficial in that often no action was taken or there were long delays before any resolution was possible. There was a feeling by the native groups that the Native Affairs Secretariat was becoming a "dumping ground" for native issues.

i) The native groups and associations strongly suggested that the Native Affairs Secretariat staff should not be directly involved with the allocation of funding from the Aboriginal Development Fund.

j) The Native Affairs Secretariat requires the capability to be abreast of the actions of

the government of Canada because the actions of the federal government do have a considerable impact upon aboriginal people and those actions also impact upon the relationships between the provincial government and the aboriginal people.

k) Those native groups and associations that had the opportunity to meet with the Native Affairs Sub Committee of Cabinet reported that they were not convinced that this procedure was productive in terms of dealing with their issues of concern. These meetings provided a forum to enable a number of provincial ministers to learn about the issues and concerns of particular native groups and associations and in this way served to enhance the knowledge of the ministers. The lack of government policy relating to the issues and concerns of native people often resulted in the fact that such meetings were not productive in terms of bringing about specific resolutions.

l) The relationship of the Native Affairs Secretariat and line departments of government appears to

have been both positive and negative. Some line departments appreciated assistance rendered by the Secretariat staff in assisting with issues relating to native situations. Some line departments resisted assistance from the Secretariat in dealing with native issues and the Secretariat was viewed as an advocate group within the government framework.

From the perspective of the native groups and associations, they viewed the Native Affairs Secretariat as being somewhat "toothless" in dealing with native issues in that it did not have a legislated mandate. The Secretariat as such was only effective to some degree in affecting changes regarding the relationships between the line departments of government and the native people.

m) Within the line departments of government there is a tendancy to deliver programming which is targeted at all citizens and not at ethnic groups. There is however some programming and

funding that is provided specifically to Native groups and associations and persons of native ancestory. The departments of Community Services, Northern Affairs, Natural Resources, Attorney General and Education are some that do have specific native funding elements.

III. DISCUSSION

a) The time and effort given by all native groups, associations and individuals contacted with respect to the review of the role and mandate of the Native Affairs Secretariat was taken as a very sincere interest on their part.

b) It was clearly evident that the native people do appreciate that the government of Manitoba is searching for ways and means of addressing the numerous issues and concerns that native people have. There is a feeling that there is a degree of recognition of the issues even though there may not yet be a full understanding of the issues and just how they may best be addressed by the provincial government.

c) The native groups, associations and individuals contacted would like to see the establishment of a mutually acceptable arrangement between them and the provincial government that would be sustained regardless of the political party forming

the government. The native people do not want to be used as "political footballs" but rather they would like to see a "Native Affairs" unit firmly established that has the capacity to deal with the unique issues and conditions that prevail with respect to the native people.

d) The native people cautioned against the formation of a "new and growing "bureaucracy" to deal with the native issues. They also suggested that the "Native Affairs" unit does not have to have a "high profile" within the government structure but rather that there be an effective unit.

e) There was a feeling expressed by the native people that most members of the Manitoba Legislative Assembly are not as well informed as they should be with regards to understanding their issues of concern. There is a need for some forum to be established with facilitates for an improved recognition of the various native issues. There is also a need, based upon an enhanced understanding by the members of the Manitoba Legislature,

to address policies and develop mutually acceptable actions to alleviate the social, cultural and economic problems experienced by aboriginal people. There has been a tendency to regard the treaty Indian group as the sole responsibility of the government of Canada whereas the Metis group are regarded as a responsibility of provincial governments. This simplistic sorting of roles in the minds of many people has not been in the best interests of either group because this jurisdictional segregation has resulted in slow progress being made with respect to bringing about resolutions to issues of importance to the native groups.

f) The native groups and associations caution against governments establishing "blanket" policies. Policies have to recognize the diversity of needs with respect to the native people in terms of their geographic location, culture, languages, remoteness, experience, etc.

g) Given a political will, the native people are confident that appropriate arrangements can be

developed with them and the provincial government. Cosmetic changes with respect to the governments approach to dealing with native issues are not good enough - there is a need to set in motion a process which over the longer run will bring about positive changes respecting the social and economic conditions of native people.

h) The "Urban" native problem is one which demands the attention of the native groups as well as that of government. A joint "task force" approach is suggested as a means to identify actions that are practical and that will bring about resolutions to major problems presently being experienced in the urban centres by native people. Native groups and associations have attempted many approaches to resolving the problems and as such have gained some valuable experiences with regards to those kinds of efforts that should be supported and those that should not be supported. A combination of skills contributed by the native groups and the provincial government would be an appropriate approach

to defining an urban native development strategy and sets of activities that address the various needs of the native people so as they can become equal participants in the development of our urban centres.

i) Many persons of native ancestry reside in the rural and remote areas of Manitoba and they are experiencing problems pertaining to their social and economic progress. A "Joint Task Force" is also suggested as the best approach to identifying a developmental strategy and associated action plans to address the problem.

j) A "Joint Task Force" approach to dealing with the problems faced by the native youth should be a high priority activity in that approximately 70% of the native population are age 25 and under.

k) Native women represent about 51% of the total native population and their issues of of concern require attention.

l) The native groups and associations have experienced

governments which design programs supposedly for the benefit of the native people but without much consultation or input from those who are the intended recipients of such programming. It is time that a "joint" approach be considered where the responsibilities are shared with respect to making major strides towards the improvement of the social and economic conditions of native people. There is too much at stake in terms of the future for native people to let the planning and implementation of corrective measures to become politicized by either the government or the native groups.

m) The native people recognize that the proliferation of native groups and associations that exist within the province of Manitoba does present a problem with regards to relationships with the provincial government in terms of representing the native concerns and seeking appropriate courses of action. The present situation, in terms of the numbers of native groups and associations, is a reflection of the complex

and diverse needs of native people and so such should be respected. Some rationalization is required in terms of native representation in relating with the provincial government regarding the establishment and operation of effective arrangements that can address the complex and diverse needs of the native people.

n) Several of the native groups and associations suggested that the Native Affairs Secretariat should function independently within the structure of the provincial government and not be so closely linked to the operations of the department of Northern Affairs as is the present situation where the Deputy Minister of the department of Northern Affairs also serves as the Secretary of the Native Affairs Secretariat.

o) The native groups and associations have indicated a need to maintain a relationship with the government of Canada as well as with the government of the province of Manitoba and as such ways and means have to be found to facilitate for tripartite arrangements in dealing with native issues and programming.

RECOMMENDATIONS

The recommendations are made in the context of recognizing that the efforts of the province of Manitoba to date with respect to providing a focus, a structure and funds to respond to and address issues of concern of the native people in Manitoba has some strengths as well as some weaknesses. The native issues are diverse and complex and the resolution process is a challenge to both the government and the native people as represented by their various groups and associations. The fact that a political will exists on the part of government and the native leadership to enhance the process of establishing effective structures, policies and programs to respond to the various issues concerning the native people in Manitoba is an appropriate background upon which to make some progressive changes as outlined in the following recommendations.

1) Maintain the portfolio of "Minister Responsible For Native Affairs" with the Minister reporting directly to Cabinet.

2) Establish a "Native Initiatives Council" (reporting to the Minister Responsible for Native Affairs), having a board of directors some of whom are appointed by government and others by native groups and associations. The "Council" would assume many of the duties and responsibilities of the existing Native Affairs Secretariat as well as some of the duties and responsibilities presently assigned to the Native Affairs Subcommittee of Cabinet.

3) Examine the feasibility of establishing the Native Initiatives Council by an act of the Manitoba Legislative Assembly to give more permanent recognition of the roles and responsibilities of the "Council" within the framework of the government of Manitoba.

4) Change the name of the existing Aboriginal Development Fund to Native Initiatives Fund and assign the responsibility for administering this fund to the board of directors of the Native Initiatives Council.

5) Transfer existing staff positions and funding associated with the Native Affairs Secretariat to the Native Initiatives Council to provide for a core staffing capability.

6) Limit the role of the Native Initiatives Council to research and planning respecting policies and programming designed to address native issues of concern. Policy and program implementation would be the responsibility of line departments of government or designated native groups or associations. The Native Initiatives Council would maintain a monitoring role with respect to the effectiveness of policies and programs as implemented to address native issues.

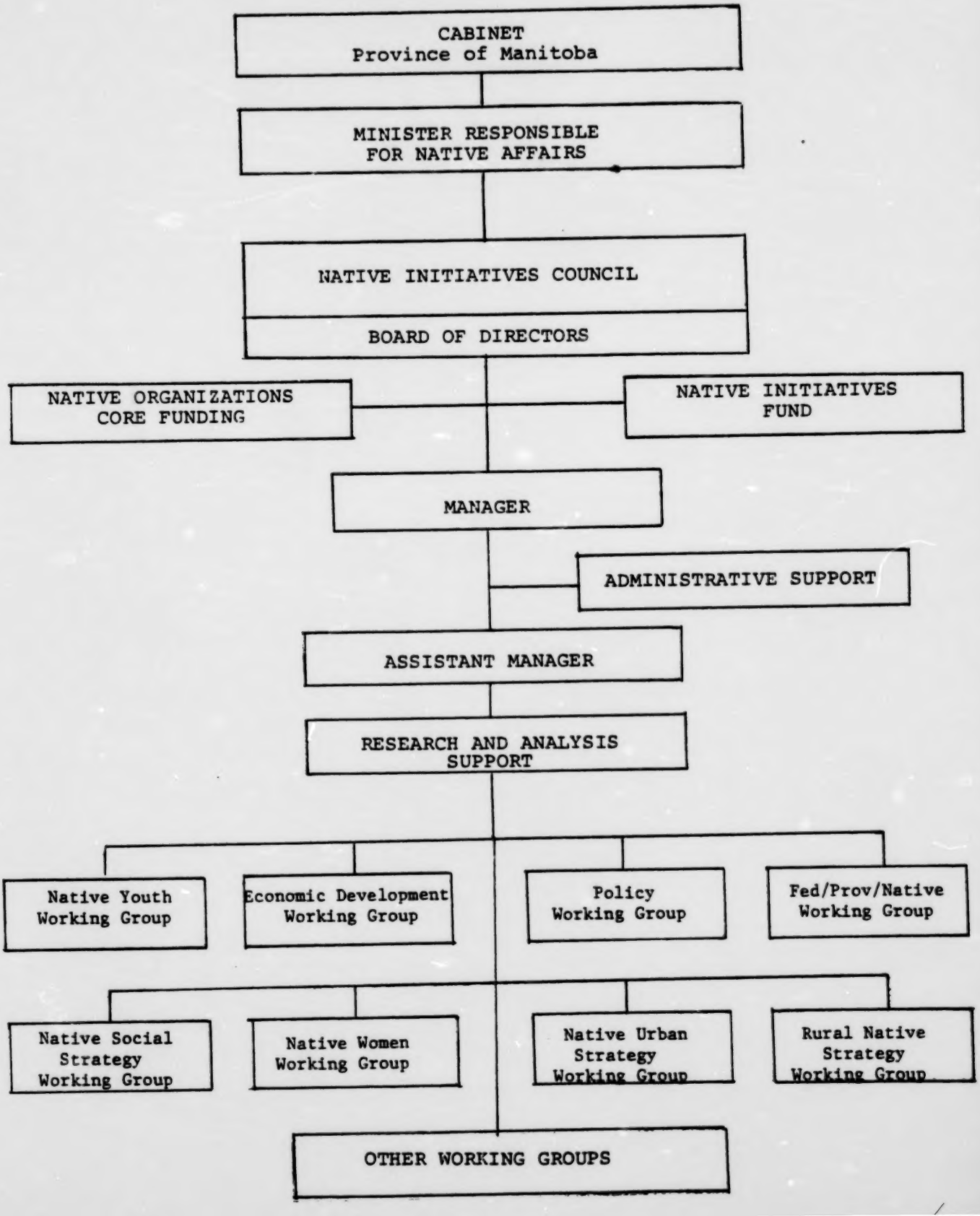
7) Direct the Native Initiatives Council to facilitate for an annual conference to be held where the Premier and members of the Cabinet and the members of native groups and associations can discuss, review and evaluate progress made regarding efforts to resolve issues relating to native people in the province of Manitoba.

8) Direct the Native Initiatives Council to maintain a capability to relate with the government of Canada on matters pertaining to policies and programs of Canada that impact upon the native people in Manitoba and or the government of Manitoba regarding native issues of concern.

9) Direct the Native Initiatives Council to foster a "working group" approach when appropriate that would involve staff of native groups and associations and the provincial government to bring forward recommended positions on various issues as priorized by the "Council"

10) Figure I displays the recommended structure for addressing native issues of concern.

FIGURE I
STRUCTURE FOR ADDRESSING NATIVE ISSUES OF CONCERN



Appendix I

List Of Contacts

Dakota Ojibway Tribal Council

Southeast Resource Development Council

Assembly of Manitoba Chiefs

Manitoba Metis Federation

Manitoba Keewatinowi Okimakanak Inc.

First Nations Confederacy

Manitoba Association For Native Languages

Treaty and Aboriginal Rights Research Centre

Indigenous Womens Collective of Manitoba

Indian Council of First Nations

Northern Association of Community Councils

Urban Indian Association

Island Lake Tribal Council

West Regional Tribal Council

Keewatin Tribal Council

Aboriginal Women of Manitoba

Winnipeg Council of Treaty and Status Indians

Swampy Cree Tribal Council

Mr. E. Harper, M.L.A.-Rupertsland

Staff - Native Affairs Secretariat

Manitoba

Appendix II

Memorandum

Date: August 2, 1988

To: David Tomasson
Deputy Minister
Dept. of Northern Affairs
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From: Don L. Lofendale
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Telephone:

Subject: RE: NATIVE AFFAIRS SECRETARIAT

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In response to your recent inquiry regarding the Native Affairs Secretariat, I have been able to determine that a Native Affairs subcommittee of Cabinet was established first by Cabinet Minute 27-10 of February, 1982 and later by O.I.C. 323/85 (March).

The O.I.C. indicates that the subcommittee was established pursuant to section 7 of The Executive Government Organization Act. This appears to be appropriate authority. It is one which is often used when a matter does not come within the purvue of any existing department or which seems to cross several departments. I was advised that no O.I.C. could be located which created a "secretariat".

I was advised by the Personnel Services Branch of the Civil Service Commission that it appears that civil service positions were created to support the Cabinet subcommittee. The positions originally were assigned to the Executive Council and later transferred to Northern Affairs. They are aware of no other documentation which might indicate the creation of a "secretariat" as such.

Therefore it appears that the name "Native Affairs Secretariat" is simply a name which describes the Cabinet subcommittee and its civil service support.

I hope this information is of some assistance.

D Lofendale

Don L. Lofendale
Crown Counsel

DLL/tvc